

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐

FEPA

☒

EEOC

130-2005-07026

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Ms. Montricea Pittman

Home Phone No. (incl Area Code)

(334) 281-6017

Date of Birth

02-07-1973

Street Address

City, State and ZIP Code

6144 Cherry Hill Road

Montgomery, AL 36116

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

MONTGOMERY COUNTY SHERIFFS DEPARTMENT

No. Employees, Members

201 - 500

Phone No. (Include Area Code)

(334) 832-4980

Street Address

City, State and ZIP Code

115 South Perry St., Detention Facility, Montgomery, AL 36116

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐

RACE

☐

COLOR

☒

SEX

☐

RELIGION

☐

NATIONAL ORIGIN

☒

RETALIATION

☐

AGE

☐

DISABILITY

☐

OTHER (Specify below)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

08/10/2005

09/12/2005

☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began my employment on April 15, 2004, as a Correctional Officer. During my employment, I made several reports regarding inappropriate conduct of several inmates. On June 4, 2005, I submitted an inmate report, which I later learned had been altered. I reported this conduct and no action was taken. My employer failed to take the appropriate action regarding the inappropriate conduct of the inmate. Their failure to take appropriate action resulted in my being discriminatory disciplined and instructed to attend Inmate Officer Interaction Training, unlike similarly situated male officers who have committed more severe violations and were not discharged. By letter dated August 5, 2005, I protested discriminatory treatment and informed the employer that I would be unable to attend the training on the designated date. I suggested that I take the training on a different date. However, on August 10, 2005, I was informed of pending disciplinary action for alleged neglect or dereliction of duty, insubordination and failure to comply with written or verbal orders. An investigation was conducted. Upon completion of the investigation, on September 12, 2005, I was informed of my immediate termination for the aforementioned alleged violations.

I believe I have been discriminated against because of my sex, female and in retaliation for protesting what I believed to be discriminatory (letter dated August 5, 2005) in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

I declare under penalty of perjury that the above is true and correct.

Sep 29, 2005

Date

Charging Party Signature

EXHIBIT

1

DISMISSAL AND NOTICE OF RIGHTS

To: Montricia Pittman
6144 Cherry Hill Road
Montgomery, AL 36116

From: Birmingham District Office
Ridge Park Place
1130 22nd Street, South, Suite 2000
Birmingham, AL 35205-1130

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

130 2005 07026

Devoralyn J. McGhee, Investigator (205) 212-2070

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this Notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Beverly B. Hinton for
Bernice Williams-Kimbrough, District Director

7 MAR 2005
(Date Mailed)

Enclosure(s)

cc: Constance C. Walker, Attorney



OC Form 161-B (10/96)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Montricia L. Pittman
6144 Cherry Hill Road
Montgomery, Alabama 36116

From: U. S. Equal Employment Opportunity Commission
Ridge Park Place
1130 22th Street, North, Suite 2000
Birmingham, Alabama 35205
(205) 212-2100

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.
420 2006 02259

EEOC Representative
Leon P. Jones

Telephone No.
(205) 212-2141

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the
Commission

Delner Franklin-Thomas

Delner Franklin-Thomas, District Director

9 JAN 2007

Enclosure(s)

(Date Mailed)

cc: D. T. Marshall, Sheriff
Montgomery County Sheriff Department
250 South McDonough Street
Montgomery, Alabama 36104

